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48 HOURS MYSTERY HOME

June 26, 2010

48 Hours Mystery: A Time to Kill

**A Mother Vanishes from her Upstate N.Y. Home the Day After 9/11;
Was it the Perfect Time for a Crime?**

(CBS) *This story originally aired Nov. 10, 2007.*

Tioga County in upstate New York is the kind of place where people go to escape the problems of the big cities.

So when 35-year-old Michele Harris disappeared, it mystified State Police Captain Mark Lester.

"A murder in Tioga County, it's a pretty rare occurrence... For an actual person to go missing and not be able to find 'em is extremely rare," he said. "And normally, you would expect at some point along this way we're gonna find her ... And we still haven't been able to find her remains."

In the early morning hours of Sept. 12, 2001, Michele's van was found at the end of her driveway.

"There was a gut feeling I think right from the get-go that something was wrong," Lester told "48 Hours Mystery" correspondent Erin Moriarty.

Lester said getting a search under way wouldn't be easy. "It's the day after 9/11. We had just sent 500 or 600 troopers to New York City the night before. Most of our canines

had been sent to New York City. Most of our aircraft was working with New York City. So, trying to gear this thing up quickly wasn't happening as easy as it normally would."

Adding to the pressure was that Michele was the wife of Cal Harris, a prominent businessman from a wealthy and influential Tioga County family. The patriarch, Dwight Harris, bought a string of car dealerships for his three sons to help him run.

Michele, fresh out of college, was working as a secretary at one of the dealerships when she caught the eye of Dwight's youngest son, Cal.

"Michele was just like a magnet. She was beautiful. She was full of life. And she smiled all the time. And she was a happy person. And she was young - I think that that was something that thoroughly attracted Cal," recalled Barbara Thayer, Cal and Michele's nanny and housekeeper.

Cal was a catch - an outstanding athlete in high school, an All-American lacrosse player in college, and by the age of 27, a successful businessman.

Michele, the older of two children from a working class family, had never met anyone like Cal.

Thayer likened it to a "Cinderella story." "Michele came from a small town, not a wealthy family or anything like that. And then here's this man that kinda sweeps ya off your feet. And you know, you travel and you go to Europe and you go to Hawaii and you do fun things. Life could be pretty rosy, you know?"

It was a fairytale romance, and no one was happier than Michele when she married Cal and became pregnant.

By the time she was 33, Michele had four children under the age of 6.

Cal provided well for his family; the couple lived on a 252-acre estate, complete with a private lake.

Cindy and Tom Turner spent most weekends with the couple.

"You could tell they loved each other very much," Tom Turner said. "I mean, they always wanted to be around each other. Always."

If there were any marital problems, Michele kept them hidden from friends and family, including sister-in-law Shannon Taylor.

"It wasn't anything I ever saw. I really didn't know," she said. "I thought that her life was absolutely perfect. You never saw her when she wasn't smiling or laughing."

That is, until Michele's fourth child was born. That's when Taylor would learn life at the Harris house was no longer quite so perfect.

Michele began talking about Cal's temper and his controlling behavior.

"Everything just had to be absolutely perfect," Taylor explained.

Asked what would happen if things weren't perfect, Taylor told Moriarty, "He'd scream. He'd yell."

"He wanted her thin. He wanted her to look good," Cindy Turner said. "And she would lose weight for him."

But Michele told friends nothing she did seemed to please Cal.

"Cal had told her that she was born in Tioga Center, raised in Tioga Center, and she'd die in Tioga Center. Like, 'You're small town. You're beneath me. You're never going to be up to my level,'" Thayer said.

Then Michele discovered Cal was having an affair.

Cal and Michele tried to save the marriage, but in January 2001, after 10 years, Michele filed for divorce.

According to Shannon and Michele's brother, Greg Taylor, Cal did not want the divorce. Greg said it was a bitter split as Michele fought with Cal over money - demanding a full accounting of his businesses.

"There's no way that he was gonna let Michele take his family money. There was no way that was gonna happen," Thayer explained.

The situation was made even worse because the couple was forced by the courts to continue sharing the house.

But on Sept. 9, 2001, while horseback riding, Thayer remembered Michele seemed happier. "We were coming back down towards the barn and she said, 'I'm so happy. I can't believe it.' She says, 'I am finally getting my life back. I can't believe how I feel.'"

Michele hadn't told her husband yet, but she had decided to accept Cal's financial offer

and finalize the divorce.

Then, three days later, just hours before she was supposed to meet her lawyer, Michele Harris disappeared.

In Owego, N.Y., 196 miles away, there was another disappearance that might have been overlooked if not for a call to state police investigator Sue Mulvey from Michele Harris' divorce lawyer.

"And he said that she hadn't come home, which was totally out of character for her," Mulvey recalled. "And he was concerned for her well being."

So was Michele's family. Shannon Taylor immediately feared the worst.

"I said to the secretary when I walked out of my office, I said, 'I'm going. I don't know when I'll be back. I am pretty sure that my brother-in-law killed my sister-in-law,'" she told Erin Moriarty.

Less than one hour after Michele's divorce lawyer made the call, investigators Mike Myers and Mike Young arrived at Cal Harris' dealership to question him.

"He was very calm and unemotional," Young recalled.

"He didn't seem to us that he was trying to hide anything or stop us from doing anything," added Myers.

If Cal had something to hide, he sure didn't act like it. He even took the investigators back to his house so they could look around for themselves.

The investigators say Cal granted them full access to the entire home. "We probably could [have] spent as much time in there as we wanted," said Myers. Young said they didn't spot anything unusual as they went through the house.

And when Cal returned to his office, he left Young and Myers alone on his property.

"He wasn't concerned at all about us being in his house or at the end of his driveway. There was no problem," said Myers.

But to Investigator Myers, Cal seemed almost too unconcerned. "He comes across as personable and cooperative. To me, it seems just a little something missing. Everything was almost programmed, is what I felt when we were talkin' to him."

Cal Harris denied he had anything to do with Michele's disappearance. Instead, he told investigators to take a closer look at Michele herself.

She was still sharing the house with her husband, but Michele was living the life of a single woman. After Cal cut off much of her allowance, she began working nights at a local restaurant. Suddenly, Michele had freedom, money of her own and new men in her life.

Once she disappeared, the men became suspects. On top of the list: 23-year-old Brian Earley. Not only was Michele dating the much younger man, she was with him the night she disappeared.

"You were one of the last people to see her alive, Brian," Moriarty remarked.

"Last person who is admitting to it," Earley replied.

"Well, that puts you in a bad spot, doesn't it?"

"Yeah."

On the evening of Sept. 11, Earley admitted Michele had stopped by his apartment after work. He said she left to drive home just after 11 p.m.

"I walked her to her van, closed the door. I leaned in the window, gave her a kiss goodnight, told her I loved her, see her tomorrow. She backed out of my parking spot, drove away," he said.

Earley, a land surveyor living in Philadelphia, started dating Michele after he met her at a local bar in the fall of 2000.

"Said she was married. Said she had four children. Said she was not happy with her marriage," he told Moriarty.

That Michele was married and still living with her husband didn't worry Brian Earley.

And in June 2001, he gave up his job and home to move to Tioga County to be near Michele. He even gave her money to help buy a house in Owego.

Brian explained that he gave her "a good chunk" of his money. "But it was alright. I wasn't doing anything with it," he told Moriarty. "I loved her."

He hoped to marry Michele as soon as her divorce was final, but Barbara Thayer said

Michele didn't see the relationship in quite the same way.

"Michele was certainly not gonna go from what she was just going through and turn right around and get married," Thayer said.

But Earley wasn't the only man Michele was seeing.

Michele Harris had also dated co-worker Michael Kasper. It was a secret she kept from even her closest friend, Nikki Burdick.

"That I did not know about," Burdick said. "I think I was as surprised as anybody else that found out about that."

As it turned out, before Michele saw Brian Earley on the night she disappeared, she had drinks after work with Michael Kasper.

Mulvey said he did not have an alibi for that night.

Drinking with Michele and Kasper was another co-worker, Michael Hakes. A routine look into his background took investigators by surprise: Hakes was an ex-convict with a serious record.

"He had a rape conviction in Arizona and had served 10 years in prison," said Mulvey.

A convicted rapist, two boyfriends, and police were still looking at the estranged husband. As part of the investigation, forensic specialist Steve Andersen was sent to the Harris home to take a closer look.

"It was quite obvious to me that we had blood spatter in the house. I could see it as soon as I walked in the house," he said.

Anderson said he found tiny specks of blood on a kitchen doorway that investigators who had been in the home just two days earlier didn't see.

Suddenly, investigators had a possible crime scene, which made Michele's husband look more and more like the prime suspect.

(CBS) On Sept. 12, 2001, the world was focused on the thousands missing in Manhattan.

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(CBS) What happened to 35-year-old Michele Harris, who vanished in the early morning of Sept. 12, 2001? If she's dead, *where* is her body?

In the weeks that followed, the mystery weighed heavily on friends like Nikki Burdick.

"I mean I look at how much I miss her. And she was just my friend. I can't imagine what her brother, Shannon, her dad and her kids are going through. I mean she wouldn't want this for anybody, nobody," she said.

But Michele's husband, Cal Harris, seemed to have no trouble moving on. Barb Thayer said Cal took up a relationship with an old girlfriend less than three weeks after Michele disappeared.

Thayer said she continued to watch the children for Cal after Michele disappeared. "He never asked me, 'Have you heard from Michele? Did Michele call you? Is she wondering where the kids are?' He never mentioned Michele to me. And I worked for him for a solid year afterward."

Michele's father, Gary Taylor, said Cal never called him and was deeply troubled by Cal's apparent lack of concern.

"When we'd have birthday parties for the kids, he would drive 'em down sometimes. And he would never look at you or look at you in the face," Gary explained. "So that's when it became kinda more evident to me that I think he might have had more to do with it than I was initially thinking."

"You knew something had happened to Michele. But who did you think was responsible for her disappearance?" Moriarty asked Burdick.

"Her husband," she replied. "There was never a question. Never, ever a question."

But weeks turned into months with no arrest.

"The investigators would call and say 'Don't worry,'" Gary recalled. "I was thinking, you know, is the money gonna buy him out of this?"

Michele's family and friends weren't the only ones who suspected Cal Harris killed his wife; so did the police, but there simply wasn't much of a case.

Without a body or a murder weapon, there's no cause of death. In fact, there's no proof that Michele is dead at all. What the police did have were tiny drops of blood in the kitchen and the garage. And then there was Cal Harris himself - what he did after his wife disappeared and what he didn't do.

"He never made a phone call that morning to find out where she was," said State Police Capt. Mark Lester.

Capt. Lester wondered why Cal Harris didn't try to track his wife down. "If the mother of your children, who takes care of them every morning, suddenly doesn't show up, I think your first reaction is gonna be to pick up the phone and make a call and say, 'Hey, where the hell are ya?'"

Burdick said Cal's demeanor was completely out of character. "That is not in his personality to be calm, cool and collected about anything," she said.

"Cal is a very explosive person. He has a temper," said Barb Thayer, the couple's nanny and housekeeper.

But that morning, Thayer said Cal was unusually calm about Michele's disappearance. And after looking through Michele's van, she said Cal made a strange request: "He said 'Oh, my gosh, this car is a mess.' He said, 'I want you to drop it off at the dealership and I'm gonna clean it from top to bottom,'" she told Moriarty. "It just reinforced that, to me, that there was something wrong."

And just days later, according to Thayer, Cal began packing away all of his wife's belongings and told Thayer to sell them in a garage sale.

"He said, 'I want you to take everything of Michele's out of this house.' And I'm thinking. 'what is he doing?'" she told Moriarty. "How did he know she wasn't coming back? It had only been a week."

And there's the strange story Michele told her sister-in-law and brother.

Shannon Taylor said a few months before she disappeared, Michele, "in a kind of laughing way," said that Cal had threatened her. "'Ha ha ha, I got the perfect place to put your body, they'll never find you,'" she recalled.

"You didn't think Cal was kidding or just saying something off the top of his head?" Moriarty asked.

"Well, that's not something you say unless, in the back of your mind, you think, you know, 'I might just do this'" replied Greg Taylor.

But Cal's friends, Kevin O'Hara, and his wife, Tracy, saw his behavior in a different light.

"It's interesting that people who haven't gone through a certain situation are very quick to say that someone else should have reacted or acted in a certain fashion," Kevin said. "To me, the way he acted was Cal."

The local state police was now back to full strength and convinced Cal had buried Michele's body, focused the search in and around the Harris property; they used helicopters in the air and dogs on the ground.

The search went on for a year, then two. After four years and no sign of Michele, investigators felt it was now or never.

"The case wasn't getting any better. There were really no new significant leads or evidence coming in," Lester said. "But win, lose or draw, this case had to go to trial."

So on Sept. 30, 2005, Cal Harris was arrested and charged with Michele's murder. But how much of a case is there? Defense attorney Joe Cawley is confident Cal Harris will never be convicted.

"Because you can't find a murder weapon you can't just say, 'Well, he must have disposed of it,'" Cawley said. "And because you can't find sufficient quantities of blood, you can't say, 'He must have cleaned it up.' And well, he must have just done a really good job. And we can't find the body.' Well, he must have done a good job of that, too. I mean, a lack of evidence is reasonable doubt."

(CBS) Nothing has quite shaken the calm of Owego, N.Y., like the murder trial of Calvin Harris. It took nearly six years, but Harris' trial finally began on May 21, 2007.

Harris, out on \$500,000 bail, came to court from the house where authorities believe he murdered his wife almost six years earlier.

"Have you ever had a case where there was no body and you've prosecuted someone for murder? No body? No witness. No murder weapon. Nothing?" Erin Moriarty asked District Attorney Jerry Keene.

"No," he replied. "This was the most difficult case that I've ever done."

Defense Attorney Bill Easton said Cal Harris is on trial because of who he is, not because of anything he did.

"What we're talking about here is really an astonishing lack of evidence," he said. "In most cases we have admissions, or we have eyewitnesses. That's not this case. This case is, She's missing. He was divorcing from her. His behavior was odd. There's very small amounts of blood that might suggest something. And that's it."

That blood is the main focus at the trial; the small amounts police found inside the Harris home two days after Michele Harris disappeared. Six drops of her blood on the doorway between the kitchen and the garage, more drops on a kitchen throw rug and on the garage floor.

"These are sub-millimeter spots," Defense Attorney Joe Cawley said. "It's such a small amount. You know, it's just not indicative of criminal conduct."

But, according to D.A. Gerald Keene, "It wasn't really the amount of blood that was

incriminating here. It was the size of the blood specks and the manner in which the blood was deposited there."

With so much riding on the blood evidence in the case, the prosecution recruited world renowned criminologist Henry Lee, who testified on videotape.

Lee, best known for his work in the O.J. Simpson trial, said the small amounts of blood in the Harris home tell the story of what happened to Michele.

The pattern of blood spots in the doorway, said Lee, was caused when Michele was hit twice. The first punch knocked her down; the second hit caused her blood to fly.

Using red dye to demonstrate, Senior Forensic Investigator Steve Andersen showed how spatter, similar to what was found in the Harris home, is created.

"We know that some force was applied to that blood source to break that blood up into smaller droplets and propel it horizontally through the air," Andersen explained. "The spatter was approximately a millimeter in size and some smaller than that."

Asked if this was enough to tell him that that was a crime scene, Andersen told Moriarty, "The very potential of a crime scene was there. Yes."

Andersen, who also testified at trial, believes Michele was hit with medium velocity by some kind of blunt instrument - like a hammer or even a fist.

"To get that size, you have to apply a force to break that up into smaller droplets and propel it through the air," he explained.

"Isn't it normal in a family's home to find blood? I mean, people bleed. There's kids," Moriarty pointed out.

"Yes. But normally, not medium velocity impact spatter," Anderson replied.

"It was blood spatter, so that it wouldn't come from a bloody nose dripping or a cut finger," D.A. Keene explained.

Dr. Henry Lee testified that the tiny drops of blood found on the kitchen rug - more than 40 of them - are more evidence of an assault. He testified that the blood stains were more consistent with spatter than dripped blood. And a square stain of blood on the rug that could have been left by the murder weapon.

"People don't drip in square patterns," explained Keene.

Dr. Lee also told the jury that the blood - that looked bright red in photographs - had to be fresh. Bill Easton, Cal Harris' defense attorney, disputed that.

"Dr. Henry Lee never examined that blood. He bases his opinion solely on his examination of photographs," he pointed out.

Asked what's wrong with that, Easton replied, "There was no evidence that they accurately depicted the exact shade of red."

The defense said the blood could have been there for years; that it's scientifically impossible to determine the age of blood.

"So Dr. Lee saying it's within a few days we think is simply incredible. That may be his opinion, based on hunches, based on his experience. It's not based on science," said Easton.

And beyond the blood, said the defense attorneys, there is no other physical evidence to tie their client to Michele's disappearance or death. There's no body and no murder weapon.

"The lack of physical evidence can't become evidence. 'We can't find the body, so gee, he must have been really good at hiding the body.' They didn't find it because it's not there," said Cawley.

"Isn't it possible that Cal, if in fact he killed his wife, just had a very secure place to put her body? He knows that property better than anyone does," Moriarty asked.

"I just think that's the power of magical thinking - like a special place that he could put it where no one could find it," said Easton.

If he did hide her body, how did he do it? None of Michele's blood was found in any of Cal Harris' vehicles, nor was blood found in the kitchen sink traps.

"How did he clean up? Where is the blood? Where is the body? How did he do it?" asked Easton.

Harris' attorneys said the answer is simple: they say police are looking at the wrong man.

"I think law enforcement went to Herculean extent to try to prove Cal guilty," Cawley said. "And their focus was entirely on Cal almost to the exclusion of everyone else."

District Attorney Gerald Keene thinks "that's baloney."

But just how thoroughly did police investigate Brian Earley, Michele's young boyfriend who was the last known person to see her alive?

Keene said police never searched Earley's car or apartment to see if Michele's blood was present.

Police also didn't search the apartment of Michael Kasper, the co-worker with whom Michele had a secret affair, or Michael Hakes, the man with a criminal history for rape, who worked with Michele the night she disappeared.

Sue Mulvey of the state police said Hakes' body was not searched to see if there were any injuries.

Why not?

"We couldn't find where Michelle ever had a problem with him, where she ever evinced any fear of him, where he had ever done anything out of line or untoward to her or any other member of the community," said Mulvey.

Police said all three men fully cooperated and were eliminated as suspects after they took and passed polygraphs, something Cal Harris refused to do.

"He had cooperated with them. He had given them numerous statements, allowed them to search his house," Easton said. "Once you assert your right to counsel, not participating in a polygraph test I don't think, is evidence of any guilt at all."

Harris also chose not to testify at trial. So on June 6, 2007, after two weeks of testimony, the case went to the jury.

Will the holes in the case against Calvin Harris add up to reasonable doubt? His attorneys are counting on it.

(CBS) With the case in the hands of the jury, Cal Harris' friends, Tracey and Kevin O'Hara, were feeling confident.

"It seems like Cal would have to be Houdini to fulfill this crime the way the prosecution said he did," said Tracy.

"I thought, finally, in just hopefully a few hours, maybe in a few days, this is

finally gonna be behind Cal," Kevin said, believing his friend would be acquitted.

It took the jury less than four hours over two days to reach a verdict.

Michele's friend, Cindy Turner, said, "When the verdict was read, you could feel the courtroom on the left of us - all of the Harris family - just dropping. It was like dominos. And the crying from Cal."

Calvin Harris was convicted of the second-degree murder of his wife, Michele.

"I think I had to wait a minute to digest it," Michele's father, Gary Taylor said. "I mean this is the man that killed my daughter with his bare hands. He deserves everything he got."

No one was more shocked than Cal's attorneys, Bill Easton and Joe Cawley.

Asked why he thinks the jury convicted Cal, Cawley tells Moriarty, "I don't know. I don't. I wish I had a good answer for that."

Six of the jurors were willing to explain.

"To me the evidence was overwhelming," a male juror told Moriarty. "There was just so many little pieces that just come together to make the whole puzzle."

They say that Cal's own actions gave him away. "Why wouldn't you join in the search? Why wouldn't you stay home from work that day? Why wouldn't you be questioning those police saying, 'Hey, you know, let's look here. Let's try this, let's do that,'" a female juror remarked. "He never did any of that."

And that little bit of blood played a big part.

"If they wouldn't have found any blood, he would have gotten away with it, I think," the male juror said.

And if Michele was killed in her own home, the jurors said that eliminated the other possible suspects.

"We followed the lines of evidence and beyond a reasonable doubt, we believe he did it," another female juror said.

But then, two months later - just days before Harris was to be sentenced - a new witness came forward.

"I thought about it. And I say, 'You know what? Maybe you just need to step forward and tell 'em what you'd seen,'" Kevin Tubbs told Erin Moriarty. "I think [Cal Harris] is innocent."

Tubbs, a local farmer, said six years earlier at dawn on the morning Michele disappeared, he drove past the Harris driveway and saw two vehicles.

"There's a man at the back of the pickup. There's a woman at the side of the pickup. She was a blonde-haired woman. It appeared that she was crying. And it appeared that he was a little upset," he explained. "And it's a woman that I believe was Michele Harris."

And the man who was with her?

Tubbs described him as "a young man. He had a dark complexion. He had dark hair; he had a white T-shirt on."

If Tubbs really saw Michele at the time he said he did, then Cal Harris wouldn't have had the time to kill her.

"Is it possible that he's right?" Moriarty asks State Police Capt. Mark Lester.

"I don't think so," he replied.

Investigators believe Tubbs was mistaken; that the road was too dark at that hour to see what he says he did.

"My headlights was directly on them. They were right onto 'em." Tubbs told Moriarty.

Still, even Tubbs admitted he didn't get a close look.

"I have always said that I cannot be 100 percent sure. I believe that that was Michele Harris," he said. "I saw - told what I saw. If people want to believe it, they can. If they don't, there's nothing I can do about it."

But the judge believed Tubbs and threw out Cal Harris' conviction.

District Attorney Jerry Keene vowed to prosecute him again. In the meantime, Harris was allowed to go home on bail for the next two years.

Finally, in July 2009, Cal Harris once again went on trial for the murder of his wife.

This time around, Cal *did* take the stand and denied he was the killer. But his story of what happened was vastly different from the key prosecution witnesses, including Barb Thayer.

"Barb, the defense says that you lied," Moriarty remarked.

"Yeah," she replied with a laugh. "I know. I think he said it a number of times."

Thayer told the jury she called Michele's cell phone from the Harris home the morning she disappeared. But Cal testified he made that call.

"Is he right?" asked Moriarty.

"No, he's not. I know I made the phone call," she replied.

And that garage sale to get rid of Michele's belongings shortly after she disappeared? Cal said that was Thayer's idea.

"Is Cal Harris a liar?" asked Moriarty.

"Yes, definitely," Thayer replied. "And he's a good one."

"I think I'm just hopin' the jury can realize that, you know, the other people that testified were telling the truth. And that he, in fact, was the one that was lying," said Michele's brother, Greg Taylor.

After a nearly three-week trial, it took the jury almost 10 hours to finally agree on a verdict.

It was guilty. Again.

"It was kinda numbing," Shannon Taylor said. "But I'm thankful."

Prosecutor Jerry Keene was also thankful, telling reporters it was the "hardest case I'd ever prosecuted."

Cal's new team of lawyers were stunned.

For Michele's family, the verdict was bittersweet.

"The kids are the ones that are going to suffer for all this, but it was Cal that did it. He's

the one that's responsible and he needs to pay for what he's done," said Gary Taylor.

But after nine years, what they still want most is to find Michele and bury her.

"I want Michele back and a little closure to this," Gary Taylor said. "And put her down with her mother and, and I'll be good."

Cal Harris was sentenced to 25 years to life in prison. He is appealing his conviction.

The four Harris children are living with Cal's aunt.

The search for Michele's body continues.

Produced By Lisa Freed and Marc Goldbaum

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